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TESTIMONY OF REBECCA LOOS

H.B. NO.5509 "AN ACT CONCERNING THE PAYMENT OF ALIMONY AND CHILD SUPPORT"

Representative Fox, Senator Coleman, members of the committee, my name is Rebecca Loos. I work for Connecticut Legal Services in Willimantic. I am a divorce lawyer for victims of domestic violence and I myself am a divorced survivor of domestic violence. I am opposed to this Bill and here is why: Any divorce is a death; a death of a marriage and a death of a contract. Unlike other contracts where there are two parties of similar bargaining power who have a meeting of the minds and form a contract, in divorce cases where domestic violence is present there is no balance of power and skilled negotiations are required for balanced outcomes. While this Bill is an attempt [I think] to create some certainty for parties in the divorce process, I believe its effect will be the exact opposite. It will complicate the process, discourage settlement and harm vulnerable parties. The courts need flexibility to continue to use their discretion to fashion orders and the parties need flexibility to draft their own agreements to settle their affairs in the intimate realm of family law.

The dance of negotiating a divorce settlement is complicated. When alimony is a possibility the negotiation of it gives the party requesting it (typically a long term spouse who has left the work force to raise children or a

disabled spouse) a bargaining chip in a negotiation in which they may have little else. The decision to contract for alimony or to let it go can be negotiated in exchange for other property or support.

I have two stories about alimony, alcoholism, domestic violence and disempowerment. There was a woman married for 22 years with untreated alcoholism. She was kept at home without any resources except for her bottle. She developed severe alcoholism to the point where she had seizures and was hospitalized. She almost died. Her enabler husband waited until their youngest child was just shy of eighteen years and began divorce proceedings. During the divorce process her illness escalated and she was hospitalized several times. She negotiated for 12 years of alimony in her divorce settlement agreement. She is unemployable and is unable to receive SSI benefits because alcoholism is not a disability. All she has is the alimony.

There is another woman married 14 years. She is on the other end of the socioeconomic spectrum. She suffered years of abusive behavior from the alcoholic father of her three children who held sole bank accounts and property. She was forced to sign tax returns without disclosure, monetary gifts were turned over, money was doled out in a miserly fashion, and jobs were not allowed. This woman worked at home raising three children and as a result was displaced from the work force. She negotiated 15 years of alimony based on the behavior of her former partner. She now has a job but is still attempting to recover economically and emotionally from the divorce process.

Both of these women negotiated alimony into their agreements and both of these women rely on these contracts.

The power of this Bill goes not only forward but backward too. These women will be placed in positions of renegotiating their contracts and opening old wounds. In their past negotiations they had the financial sword of alimony to use over those who are only influenced by their wallets. Now they will have a percentage applied to them and the burden to prove yet again the abuse they suffered.

This Bill will codify the balance of power as it exists today in our society.

Please do not let this happen.

If you have any questions I would be happy to answer them.
